

1 BILL NO. X-89-06-31 (AS AMENDED)

2 ANNEXATION ORDINANCE NO. X-

02-89

3 AN ORDINANCE repealing Annexation  
4 Ordinance No. X-04-79, as amended by  
5 Annexation Ordinance No. X-02-80 and  
6 Annexation Ordinance No. X-04-81  
7 ("Blackhawk Annexation Territory")

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
9 FORT WAYNE, INDIANA:

10 SECTION 1. That Annexation Ordinance No. X-04-79, as  
11 amended by Annexation Ordinance No. X-02-80 and as further  
12 amended by Annexation Ordinance No. X-04-81, is hereby  
13 repealed. Said Ordinance, as amended as amended, proposed to  
14 annex the following territory:

15 Commencing at the intersection of the  
16 centerline of section 33, T 31, R 13 E and  
17 the north right-of-way line of Hicksville  
18 Road (East State Boulevard); thence  
19 northeasterly along the north right-of-way  
20 line of Hicksville Road (East State  
21 Boulevard) this line also being the  
22 present corporation limits, to the east  
23 line of the northwest 1/4 of section 34, T  
24 31 N, R 13 E; thence South along said east  
25 line of northwest 1/4 of section 34  
26 (assumed to be the northerly projection of  
27 west line of lot #2 in Browning  
28 Subdivision of Kercheval Reserve) to the  
29 northwest corner of lot #2 in Browning  
30 Subdivision of Kercheval Reserve as  
31 recorded in deed book W, pages 387-388;  
32 thence continuing in a southerly direction  
along the west line of said lot # 2 in  
Browning Subdivision to a point located  
262.68 ± feet north of the southwest  
corner of said lot #2 in Browning  
Subdivision, said point more particularly  
described as being the northwest corner of  
lot #77 of Lake Forest Extended, Section  
III as recorded in plat book 33, pages 19-  
20; thence east on a line parallel to and  
262.68 ± feet north of the south line of  
Lots 1 & 2 of said Browning Subdivision to  
the westerly right-of-way line of  
Maysville Road (Lake Avenue) thence  
southwesterly on the west right-of-way of  
Maysville Road to the west line of said  
Kercheval Reserve; thence in an easterly  
direction along the north right-of-way  
line of North River Road to east line of  
Kercheval Reserve; thence north along the  
east line of Kercheval Reserve to the  
north line of Valley Meadows Section III;  
thence west along the north line of Valley  
Meadows Section III to the east right-of-  
way of Maysville Road; thence  
northeasterly along the east right-of-way  
line of the Maysville to the south right-  
of-way line of Hicksville Road (East State

Street); thence west along the south right-of-way line of Hicksville Road to a projection of the west right-of-way line of the Lahmeyer Road; thence north along said west right-of-way line of Lahmeyer Road to the south right-of-way line of Trier Road; thence west along south right-of-way line of Trier Road to centerline of section 33, T 31 N, R 13 E, thence south on said centerline section 33 to intersection of north right-of-way line of Hicksville Road the point of beginning. An area of approximately 800 acres.

Excluding therefrom:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West Line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 02 minutes 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds West a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a

bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres, more or less.

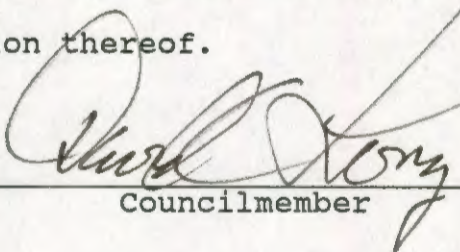
ALSO EXCLUDING THEREFROM:

In the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana.

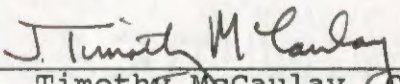
Part of the Northeast quarter of Section 33, T 31 N, R 13 E, Allen County Indiana, more particularly described as follows: commencing at the Northeast corner of the Northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana: thence South 00 degrees 46 minutes 00 seconds West along the East line of the Northeast quarter of said Section 33 a distance of 1229.0 feet to the point of beginning; thence continuing South 00 degrees 46 minutes 00 seconds West along said East line a distance of 378.0 feet to the Northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 87 degrees 57 minutes 47 seconds West (South 88 degrees 02 minutes West deed) along the Northerly line of the White parcel a distance of 336.0 feet; thence South 00 degrees 46 minutes 00 seconds West along the West line of the White Parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21 page 27 Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along said Northerly line and the Westerly extension thereof a distance of 937.30 feet to a point on the East line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet East (by right angle measurement) of and parallel with the West line of the East half of the Northeast quarter of Section 33 aforementioned; thence continuing South 01 degrees 04 minutes 30 seconds West along said right-of-way line a distance of 94.26 feet; thence South 67 degrees 37 minutes 34 seconds West a distance of 209.59 feet; thence South 80 degrees 03 minutes 41 seconds West a distance of 70.0 feet; thence South 66 degrees 00 minutes 34 seconds West a distance of 71.66 feet; thence South 65 degrees 10 minutes 40 seconds West a distance of 43.75 feet to the Easterly most corner of the property conveyed from

North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds West along the Northeasterly side of said property a distance of 205.21 feet to the Southeast Corner of Block "B" in the Village of Buckingham Section I as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds East a distance of 385.03 feet; thence South 88 degrees 55 minutes 30 seconds East a distance of 190.00 feet to the East line of said Indiana and Michigan Electric Co., right-of-way; thence North 01 degrees 04 minutes 30 seconds East along said East right-of-way line 495 feet to the Southwest corner of Lot #18 in the Hollows Section 1 as recorded in document # 78 17214 in the Office of the Recorder of Allen County; thence South 89 degrees 13 minutes 00 seconds East along the South line of the Hollows a distance of 815.00 feet; thence North 63 degrees 19 minutes 20 seconds East continuing along said South line a distance of 145.00 feet to the Southwest corner of Lot # 5 in the Hollows; thence leaving said South line South 26 degrees 58 minutes 46 seconds East a distance of 75.36 feet; thence South 89 degrees 22 minutes 48 seconds East a distance of 289.48 feet to the point of beginning containing 19.52 acres, more or less, and subject to a 40 foot right-of-way for Maplecrest Road over the Easterly portion thereof, said right-of-way being described in right-of-way widening petition contained in Commissioner's Record Book 36 page 536.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Long,  
seconded by Henry, and duly adopted, read the second time by  
title and referred to the Committee on Annexation (and after  
City Plan Commission for recommendation, and Public Hearing to be held after  
due legal notice, at the Council Conference Room 128, City-County Building,  
Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day  
of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 6-27-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long,  
seconded by Talarico, and duly adopted, placed on its  
passage. PASSED ~~lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>STIER</u>				
<u>TALARICO</u>	<u>✓</u>			

DATED: 7-11-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. X-02-89

on the 11th day of July, 1989,

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Charles E. Reed  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 12th day of July, 1989,  
at the hour of 1:30 o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of July,  
1989, at the hour of 3:30 o'clock P M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

1 BILL NO. X-89-06-31

2  
3 ANNEXATION ORDINANCE NO. X-

4 AN ORDINANCE repealing Annexation  
5 Ordinance No. X-04-81

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
7 FORT WAYNE, INDIANA:

8 SECTION 1. That the Annexation Ordinance No. X-04-81  
9 is hereby repealed. Said Ordinance proposed to annex the  
10 following territory:

11 Commencing at the intersection of the  
12 centerline of section 33, T 31, R 13 E and  
13 the north right-of-way line of Hicksville  
14 Road (East State Boulevard); thence  
15 northeasterly along the north right-of-way  
16 line of Hicksville Road (East State  
17 Boulevard) this line also being the present  
18 corporation limits, to the east line of the  
19 northwest 1/4 of section 34, T 31 N, R 13 E;  
20 thence South along said east line of  
21 northwest 1/4 of section 34 (assumed to be  
22 the northerly projection of west line of lot  
23 #2 in Browning Subdivision of Kercheval  
24 Reserve) to the northwest corner of lot #2 in  
25 Browning Subdivision of Kercheval Reserve as  
26 recorded in deed book W, pages 387-388;  
27 thence continuing in a southerly direction  
28 along the west line of said lot # 2 in  
29 Browning Subdivision to a point located  
30 262.68 + feet north of the southwest corner  
31 of said lot #2 in Browning Subdivision, said  
32 point more particularly described as being  
the northwest corner of lot #77 of Lake  
Forest Extended, Section III as recorded in  
plat book 33, pages 19-20; thence east on a  
line parallel to and 262.68 + feet north of  
the south line of Lots 1 & 2 of said Browning  
Subdivision to the westerly right-of-way line  
of Maysville Road (Lake Avenue) thence  
southwesterly on the west right-of-way of  
Maysville Road to the west line of said  
Kercheval Reserve; thence in an easterly  
direction along the north right-of-way line  
of North River Road to east line of Kercheval  
Reserve; thence north along the east line of  
Kercheval Reserve to the north line of Valley  
Meadows Section III; thence west along the  
north line of Valley Meadows Section III to  
the east right-of-way of Maysville Road;  
thence northeasterly along the east right-of-  
way line of the Maysville to the south right-  
of-way line of Hicksville Road (East State  
Street); thence west along the south right-  
of-way line of Hicksville Road to a  
projection of the west right-of-way line of  
the Lahmeyer Road; thence north along said  
west right-of-way line of Lahmeyer Road to  
the south right-of-way line of Trier Road;  
thence west along south right-of-way line of  
Trier Road to centerline of section 33, T 31  
N, R 13 E, thence south on said centerline  
section 33 to intersection of north right-of-  
way line of Hicksville Road the point of  
beginning. An area of approximately 800

acres.

Excluding therefrom:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West Line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 02 minutes 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds West a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres, more or less.

ALSO EXCLUDING THEREFROM:

In the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana.

Part of the Northeast quarter of Section 33, T 31 N, R 13 E, Allen County Indiana, more particularly described as follows:

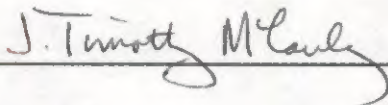
Commencing at the Northeast corner of the Northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana: thence South 00 degrees 46 minutes 00 seconds West along the East line of the Northeast quarter of said Section 33 a distance of 1229.0 feet to the point of beginning; thence continuing South 00 degrees 46 minutes 00 seconds West along said East line a distance of 378.0 feet to the Northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 87 degrees 57 minutes 47 seconds West (South 88 degrees 02 minutes West deed) along the Northerly line of the White parcel a distance of 336.0 feet; thence South 00 degrees 46 minutes 00 seconds West along the West line of the White Parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21 page 27 Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along said Northerly line and the Westerly extension thereof a distance of 937.30 feet to a point on the East line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet East (by right angle measurement) of and parallel with the West line of the East half of the Northeast quarter of Section 33 aforementioned; thence continuing South 01 degrees 04 minutes 30 seconds West along said right-of-way line a distance of 94.26 feet; thence South 67 degrees 37 minutes 34 seconds West a distance of 209.59 feet; thence South 80 degrees 03 minutes 41 seconds West a distance of 70.0 feet; thence South 66 degrees 00 minutes 34 seconds West a distance of 71.66 feet; thence South 65 degrees 10 minutes 40 seconds West a distance of 43.75 feet to the Easterly most corner of the property conveyed from North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds West along the Northeasterly side of said property a distance of 205.21 feet to the Southeast Corner of Block "B" in the Village of Buckingham Section I as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds East a distance of 385.03 feet; thence South 88 degrees 55 minutes 30 seconds East a distance of 190.00 feet to the East line of said Indiana and Michigan Electric Co., right-of-way; thence North 01 degrees 04 minutes 30 seconds East along said East right-of-way line 495 feet to the Southwest corner of Lot #18 in the Hollows Section 1 as recorded in document # 78 17214 in the Office of the Recorder of Allen County; thence South 89 degrees 13 minutes 00 seconds East along the South line of the

Hollows a distance of 815.00 feet; thence North 63 degrees 19 minutes 20 seconds East continuing along said South line a distance of 145.00 feet to the Southwest corner of Lot # 5 in the Hollows; thence leaving said South line South 26 degrees 58 minutes 46 seconds East a distance of 75.36 feet; thence South 89 degrees 22 minutes 48 seconds East a distance of 289.48 feet to the point of beginning containing 19.52 acres, more or less, and subject to a 40 foot right-of-way for Maplecrest Road over the Easterly portion thereof, said right-of-way being described in right-of-way widening petition contained in Commissioner's Record Book 36 page 536.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

  
Councilmember

APPROVED AS TO LEGALITY AND FORM:

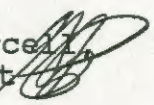
  
\_\_\_\_\_

# C& ED

## COMMUNITY & ECONOMIC DEVELOPMENT

### MEMORANDUM

TO: City Council Members

FROM: Greg Purcell  Director, Community & Economic Development

DATE: June 22, 1989

SUBJECT: Repeal of the Annexation Ordinance for Blackhawk

#### BACKGROUND

On September 22, 1981 the Fort Wayne City Council adopted Ordinance X-04-81 annexing the Blackhawk area. A remonstrance was filed within the 60-day period containing the required signatures, and the case has been in litigation since that time. The area covered by the original annexation ordinance is shown in Figure 1.

In 1981, the Blackhawk area had approximately 1,551 dwelling units, and 5,050 population. Since that time, four new subdivisions, four condominium projects, and one apartment complex have been developed, creating approximately 1,800 new dwelling units. Given these rather dramatic changes in the last eight (8) years, the Fiscal Plan is out of date.

We are particularly concerned about the City's ability to provide adequate fire protection to the area south of State Boulevard. The new subdivisions in this area and concomitant traffic congestion have increased projected travel time for fire trucks from Station #14 significantly. Given the territory included in the 1981 ordinance, the City would probably have to build a new fire station to serve the area south of State. At this time, we do not believe this is economically feasible.

The length of time which has elapsed since the adoption of the annexation ordinance also presents some difficulty because of staff turnover. There is no one among the various service providers or the Division of Community and Economic Development who can speak authoritatively to the preparation of the original fiscal plan.

#### REPEAL BLACKHAWK ANNEXATION ORDINANCE X-04-81

Based on the information above, we recommend that the City Council repeal the 1981 Blackhawk Annexation Ordinance. An

ordinance to repeal X-04-81 is attached for your consideration.

At the same time Council is considering the repeal of the original Blackhawk Annexation, we want to make you aware that we are preparing an annexation plan to include the territory north of State Boulevard.

#### WALDEN/BLACKHAWK

A new annexation ordinance for the Walden/Blackhawk territory is being introduced at the same time the repeal of X-04-81 is being introduced. This ordinance will include all of the original territory north of State Boulevard (see Figure 2).

While we are introducing the ordinance at this time, it will be referred to the Plan Commission for review and recommendation. We will be conducting meetings with the residents in the Walden/Blackhawk territory in anticipation of an amicable annexation. The Fire Department will have no difficulty providing quality service to this territory, and we believe the City will be able to clearly meet the statutes required for annexation.

We anticipate completion of the Fiscal Plan for the Walden/Blackhawk territory in the very near future. Our schedule will place this annexation on the Plan Commission agenda in September, and we anticipate presenting the complete plan to Council in October.

I hope this information will be helpful in considering the repeal of X-04-81, and understanding that the staff of Community and Economic Development will be pursuing the original annexation intent established by the Council in 1981 in the most efficient and manageable form.

Should you have any questions concerning this matter, please do not hesitate to contact me.

gb

Attachments (2)

BILL NO. X-89-06-31 (as amended)

REPORT OF THE COMMITTEE ON ANNEXATION

DAVID C. LONG, CHAIRMAN  
JANET G. BRADBURY, VICE CHAIRPERSON  
HENRY, ~~EDMONDS~~, BURNS EDMONDS

WE, YOUR COMMITTEE ON ANNEXATION TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) repealing Annexation  
Ordinance #X-04-89, as amended by Annexation Ordinance No.  
X-02-80 and Annexation Ordinance No. X-04-81 (Blackhawk  
Annexation Territory")

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND  
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE)

(~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*David C. Long*

*Janet G. Bradbury*

*Henry Edmonds*

*Clitus R. Edmonds*

*D. C. Henry*

DATED: 7-11-89.

Sandra E. Kennedy  
City Clerk

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE \_\_\_\_\_

DEPARTMENT OF REQUESTING ORDINANCE Community and Economic Development

SYNOPSIS OF ORDINANCE Repeals the Blackhawk annexation

ordinance (X-04-31)

*V-89-06-31  
as amended*

EFFECT OF PASSAGE The Blackhawk ordinance would be repealed and new annexation proceedings would be undertaken.

EFFECT OF NON-PASSAGE The City would have to defend the annexation litigation and could lose the case, which would result in a two year delay in future annexation attempts.

MONEY INVOLVED (Direct Cost, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) Annexation



## THE CITY OF FORT WAYNE

July 17, 1989

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please guve the attached full coverage on the dates of  
July 20, 1989 and July 27, 1989, in both the News  
Sentinel and Journal Gazette.

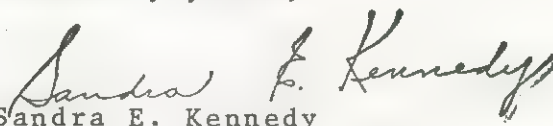
RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. X-89-06-31 (as amended)  
"Blackhawk Annexation Territory"

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK: ne  
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 11th day of  
July, 19 89, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. X-89-06-31 (as amended) Annexation  
Ordinance No. X-02-89 to-wit:

BILL NO. X-89-06-31 (AS AMENDED)

ANNEXATION ORDINANCE NO. X- 02-89

AN ORDINANCE repealing Annexation  
Ordinance No. X-04-79, as amended by  
Annexation Ordinance No. X-02-80 and  
Annexation Ordinance No. X-04-81  
("Blackhawk Annexation Territory")

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That Annexation Ordinance No. X-04-79, as  
amended by Annexation Ordinance No. X-02-80 and as further  
amended by Annexation Ordinance No. X-04-81, is hereby  
repealed. Said Ordinance, as amended as amended, proposed to  
annex the following territory:

Commencing at the intersection of the  
centerline of section 33, T 31, R 13 E and  
the north right-of-way line of Hicksville  
Road (East State Boulevard); thence  
northeasterly along the north right-of-way  
line of Hicksville Road (East State  
Boulevard) this line also being the  
present corporation limits, to the east  
line of the northwest 1/4 of section 34, T  
31 N, R 13 E; thence South along said east  
line of northwest 1/4 of section 34  
(assumed to be the northerly projection of  
west line of lot #2 in Browning  
Subdivision of Kercheval Reserve) to the  
northwest corner of lot #2 in Browning  
Subdivision of Kercheval Reserve as  
recorded in deed book W, pages 387-388;  
thence continuing in a southerly direction  
along the west line of said lot # 2 in  
Browning Subdivision to a point located  
262.68 ± feet north of the southwest  
corner of said lot #2 in Browning  
Subdivision, said point more particularly  
described as being the northwest corner of  
lot #77 of Lake Forest Extended, Section  
III as recorded in plat book 33, pages 19-  
20; thence east on a line parallel to and  
262.68 ± feet north of the south line of  
Lots 1 & 2 of said Browning Subdivision to  
the westerly right-of-way line of  
Maysville Road (Lake Avenue) thence  
southwesterly on the west right-of-way of  
Maysville Road to the west line of said

more or less, and subject to the  
right-of-way for Maplecrest Road over the  
Easterly portion thereof, said right-of-  
way being described in right-of-way  
widening petition contained in  
Commissioner's Record Book 36 page 536.

SECTION 2. This Ordinance shall be in full force and  
effect from and after its passage, approval by the Mayor and  
any required legal publication thereof.

  
Councilmember  
David C. Long

Read the third time in full and on motion by Long,  
seconded by Talarico, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Edmonds, GiaQuinta, Henry,  
Long, Redd, Schmidt, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATED: 7-11-89

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana as Annexation Ordinance No. X-02-89, on the  
11th day of July, 1989

ATTEST

SEAL

Sandra E. Kennedy  
City Clerk

Charles B. Redd  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 12th day of July, 1989, at the hour of 1:30 P.M.,  
E.S.T.

Sandra E. Kennedy  
City Clerk


Approved and signed by me this 12th day of July, 1989,  
at the hour of 3:30 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify  
that the above and foregoing is a full, true and complete copy of  
Annexation \_\_\_\_\_ Ordinance No. X-02-89  
passed by the Common Council on the 11th \_\_\_\_\_ day of  
July \_\_\_\_\_, 19 89, and that said Ordinance was  
duly signed and approved by the Mayor on the 12th \_\_\_\_\_ day of  
July \_\_\_\_\_, 19 89, and now remains on file and  
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,  
Indiana, this 12th day of July \_\_\_\_\_, 19 89.

SEAL

  
SANDRA E. KENNEDY, CITY CLERK

Fort Wayne Common Council  
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

1

Head -- number of lines

231

Body -- number of lines

2

Tail -- number of lines

234

Total number of lines in notice

## COMPUTATION OF CHARGES

234 lines, 1 columns wide equals 234 equivalent lines  
at .495 cents per line

\$ 115.82

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

2.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$ 117.83

TOTAL AMOUNT OF CLAIM

## DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: July 27, 19 89

Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:  
7/20, 27/89

Subscribed and sworn to before me this 27th day of July, 19 89.Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1990

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
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COMPUTATION OF CHARGES

234 lines, 1 columns wide equals 234 equivalent lines  
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Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: July 27, 1989 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
( ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:  
7/20, 27/89

Subscribed and sworn to before me this 27th day of July, 1989

Notary Public Whitley County,  
SHELLEY R. LARUE

My commission expires: March 3, 1990

1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-89-06-31 (as amended) Annexation Ordinance No. X-02-89 to-wit:

BILL NO. X-89-06-31 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-02-89

An Ordinance repealing Annexation Ordinance No. X-04-79, as amended by Annexation Ordinance No. X-02-80 and Annexation Ordinance No. X-04-81 ("Blackhawk Annexation Territory").

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Annexation Ordinance No. X-04-79, as amended by Annexation Ordinance No. X-02-80 and as further amended by Annexation Ordinance No. X-04-81, is hereby repealed. Said Ordinance, as amended as amended, proposed to annex the following territory:

Commencing at the intersection of the centerline of section 33, T 31, R 13 E and the north right-of-way line of Hicksville Road (East State Boulevard); thence northeasterly along the north right-of-way line of Hicksville Road (East State Boulevard) this line also being the present corporation limits, to the east line of the northwest 1/4 of section 34, T 31 N, R 13 E; thence south along said east line of northwest 1/4 of section 34 (assumed to be the northerly projection of west line of lot #2 in Browning Subdivision of Kercheval Reserve) to the northwest corner of lot #2 in Browning Subdivision of Kercheval Reserve as recorded in deed book W, pages 387-388; thence continuing in a southerly direction along the west line of said lot #2 in Browning Subdivision to a point located 262.68 plus or minus feet north of the southwest corner of said lot #2 in Browning Subdivision, said point more particularly described as being the northwest corner of lot #77 of Lake Forest Extended, Section III as recorded in plat book 33, pages 19-20; thence east on a line parallel to and 262.68 plus or minus feet north of the south line of Lots 1 & 2 of said Browning Subdivision to the westerly right-of-way line of Maysville Road (Lake Avenue) thence southwesterly on the west right-of-way of Maysville Road to the west line of said Kercheval Reserve; thence in an easterly direction along the north right-of-way line of North River Road to east line of Kercheval Reserve; thence north along the east line of Kercheval Reserve to the north line of Valley Meadows Section III; thence west along the north line of Valley Meadows Section III to the east right-of-way of Maysville Road; thence northeasterly along the east right-of-way line of the Maysville to the south right-of-way line of Hicksville Road (East State Street); thence west along the south right-of-way line of Hicksville Road to a projection of the west right-of-way line of the Lahmeyer Road; thence north along said west right-of-way line of Lahmeyer Road to the south right-of-way line of Trier Road; thence west along south right-of-way line of Trier Road to centerline of Section 33, T 31 N, R 13 E, thence south on said centerline Section 33 to intersection of north right-of-way line of Hicksville Road the point of beginning. An area of approximately 800 acres.

Excluding therefrom:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence north 01 degrees 00 minutes 44 seconds east (assumed) along the west line of said Northeast Quarter a distance of 1,398.00 feet; thence northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of north 47 degrees 35 minutes 56 seconds east; thence south 20 degrees 19 minutes 06 seconds east on a line not tangent to the last described curve course a distance of 179.86 feet; thence south 55 degrees 30 minutes 34 seconds east a distance of 151.26 feet; thence south 18 degrees 50 minutes 45 seconds east a distance of 194.66 feet; thence south 53 degrees 42 minutes 32 seconds west a distance of 191.95 feet; thence south 25 degrees 02 minutes 41 seconds east a distance of 244.70 feet; thence south 64 degrees 40 minutes 30 seconds east a distance of 284.41 feet; thence north 85 degrees 44 minutes 04 seconds east a distance of 178.14 feet; thence north 60 degrees 34 minutes 35 seconds east a distance of 262.24 feet; thence south 86 degrees 54 minutes 22 seconds east a distance of 205.21 feet; thence south 65 degrees 10 minutes 34 seconds west a distance of 28.25 feet; thence south 26 degrees 11 minutes 16 seconds west a distance of 131.58 feet; thence south 29 degrees 55 minutes 08 seconds west a distance of 338.12 feet; thence south 40 degrees 07 minutes 22 seconds west a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; south 78 degrees 45 minutes 54 seconds west a distance of 120.60 feet; thence southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described curve being subtended by a chord having a length of 295.44 feet and a bearing of south 84 degrees 52 minutes 24 seconds west; thence north 89 degrees 01 minutes 06 seconds west along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres, more or less.

ALSO EXCLUDING THEREFROM:

In the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County Indiana.

Part of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of the northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana: thence south 00 degrees 46 minutes 00 seconds west along the East line of the Northeast quarter of said Section 33 a distance of 1,229.0 feet to the point of beginning; thence continuing south 00 degrees 46 minutes 00 seconds west along said east line a distance of 378.0 feet to the northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 87 degrees 57 minutes 47 seconds west (south 88 degrees 02 minutes West deed) along the Northerly line of the White Parcel a distance of 336.0 feet; thence south 00 degrees 46 minutes 00 seconds West along the West line of the White Parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21 page 27 Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along said northerly line and the westerly extension thereof a distance of 937.30 feet to a point on the east line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet east (by right angle measurement) of and parallel with the west line of the east half of the northeast quarter of Section 33 aforementioned; thence continuing south 01 degrees 04 minutes 30 seconds west along said right-of-way line a distance of 94.26 feet; thence south 67 degrees 37 minutes 34 seconds west a distance of 209.59 feet; thence south 80 degrees 03 minutes 41 seconds west a distance of 70.0 feet; thence south 66 degrees 00 minutes 34 seconds west a distance of 71.66 feet; thence south 65 degrees 10 minutes 40 seconds west a distance of 43.75 feet to the easterly most corner of the property conveyed from North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds west along the northeasterly side of said property a distance of 205.21 feet to the southeast corner of Block "B" in the Village of Buckingham Section I as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds east a distance of 385.03 feet; thence south 88 degrees 55 minutes 30 seconds east a distance of 190.00 feet to the east line of said Indiana and Michigan Electric Co., right-of-way: thence north 01

Board of Accounts  
n Council  
Unit)  
County, Indiana

To:

General Form No. 99P (Revised 1987)

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

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Mike R. O'Neil

331.58 feet; thence south 29 degrees 55 minutes 08 seconds west a distance of 338.12 feet; thence south 31 degrees 07 minutes 22 seconds west a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; south 78 degrees 45 minutes 54 seconds west a distance of 120.60 feet; thence southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of south 84 degrees 52 minutes 06 seconds west; thence north 89 degrees 01 minutes 06 seconds west along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres, more or less.

ALSO EXCLUDING THEREFROM:  
In the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County Indiana.  
Part of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of the northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana; thence south 00 degrees 46 minutes 00 seconds west along the East line of the Northeast quarter of said Section 33 a distance of 1,229.0 feet to the point of beginning; thence continuing south 00 degrees 46 minutes 00 seconds west along said east line a distance of 378.0 feet to the northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 87 degrees 57 minutes 47 seconds west (south 88 degrees 02 minutes West deed) along the Northerly line of the White Parcel a distance of 338.0 feet; thence south 00 degrees 46 minutes 00 seconds West along the West line of the White Parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21 page 27 Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along said northerly line and the westerly extension thereof a distance of 937.30 feet to a point on the east line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet east (by right angle measurement) of and parallel with the west line of the east half of the northeast quarter of Section 33 aforementioned; thence continuing south 01 degrees 04 minutes 30 seconds west along said right-of-way line a distance of 94.26 feet; thence south 67 degrees 37 minutes 34 seconds west a distance of 209.59 feet; thence south 80 degrees 03 minutes 41 seconds west a distance of 70.0 feet; thence south 66 degrees 00 minutes 34 seconds west a distance of 71.66 feet; thence south 65 degrees 10 minutes 40 seconds west a distance of 43.75 feet to the easterly most corner of the property conveyed from North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds west along the northeasterly side of said property a distance of 205.21 feet to the southeast corner of Block "B" in the Village of Buckingham Section 1 as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds east a distance of 385.03 feet; thence south 88 degrees 55 minutes 30 seconds east a distance of 190.00 feet to the east line of said Indiana and Michigan Electric Co., right-of-way; thence north 01 degrees 04 minutes 30 seconds east along said east right-of-way line 495 feet to the southwest corner of Lot #18 in the Hollows Section 1 as recorded in document #78 17214 in the Office of the Recorder of Allen County; thence south 89 degrees 13 minutes 00 seconds east along the south line of the Hollows a distance of 815.00 feet; thence north 63 degrees 19 minutes 20 seconds east continuing along said south line a distance of 145.00 feet to the southwest corner of Lot #5 in the Hollows; thence leaving said south line south 26 degrees 58 minutes 46 seconds east a distance of 75.36 feet; thence south 89 degrees 22 minutes 48 seconds east a distance of 289.48 feet to the point of beginning containing 19.52 acres, more or less, and subject to a 40 foot right-of-way for Maplecrest Road over the easterly portion thereof, said right-of-way being described in right-of-way widening petition contained in Commissioner's Record Book 36 page 536.

Section 2: This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

David C. Long  
Councilmember  
Read the third time in full and on motion by Long, seconded by Talarico and duly adopted, placed on its passage. PASSED by the following vote:  
AYES: Nine: Bradbury, Burns, Edmonds, Gia-Quinta, Henry, Long, Redd, Schmidt, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None  
Dated: 7-11-89

Sandra E. Kennedy  
City Clerk  
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-02-89, on the 11th day of July, 1989.

ATTEST: Sandra E. Kennedy  
City Clerk  
SEAL: Charles B. Redd  
Presiding Officer  
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of July, 1989, at the hour of 1:30 P.M., E.S.T.

Sandra E. Kennedy  
City Clerk  
Approved and signed by me this 12th day of July, 1989, at the hour of 3:30 P.M., E.S.T.

Paul Helmke  
Mayor  
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-02-89, passed by the Common Council on the 11th day of July, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of July, 1989, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of July, 1989.  
Sandra E. Kennedy, City Clerk

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Title:

Clerk

### PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/

she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for

two time(s), the dates of publication being as follows:

7/20, 27/89

Subscribed and sworn to before me this 27th day of July, 19 89.

Notary Public Whitley County, IN

My commission expires: March 3, 1990

SHELLEY R. LARUE

989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill to, X-89-06-31 (as amended) Annexation Ordinance to, X-02-89 to-wit:

BILL NO. X-89-06-31 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-02-89

An Ordinance repealing Annexation Ordinance No. -04-79, as amended by Annexation Ordinance No. -02-80 and Annexation Ordinance No. X-04-81 ("Blackhawk Annexation Territory").

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Annexation Ordinance No. X-04-79, as amended by Annexation Ordinance No. X-02-80 and as further amended by Annexation Ordinance No. -04-81, is hereby repealed. Said Ordinance, as amended as amended, proposed to annex the following territory:

Commencing at the intersection of the centerline of section 33, T 31 N, R 13 E and the north right-of-way line of Hicksville Road (East State Boulevard); thence northeasterly along the north right-of-way line of Hicksville Road (East State Boulevard) this line also being the present corporation limits, to the east line of the northwest ¼ of section 34, T 31 N, R 13 E; thence south along said east line of northwest ¼ of section 34 assumed to be the northerly projection of west line of lot #2 in Browning Subdivision of Kercheval Reserve) to the northwest corner of lot #2 in Browning Subdivision of Kercheval Reserve as recorded in deed book W, pages 387-388; thence continuing in a southerly direction along the west line of said lot #2 in Browning Subdivision to a point located 262.68 plus or minus feet north of the southwest corner of said lot #2 in Browning Subdivision, said point more particularly described as being the northwest corner of lot #77 of Lake Forest Extended, Section III as recorded in plat book 33, pages 19-20; thence east on a line parallel to and 262.68 plus or minus feet north of the south line of Lots 1 & 2 of said Browning Subdivision to the westerly right-of-way line of Maysville Road (Lake Avenue) thence southwesterly on the west right-of-way of Maysville Road to the west line of said Kercheval Reserve; thence in an easterly direction along the north right-of-way line of North River Road to east line of Kercheval Reserve; thence north along the east line of Kercheval Reserve to the north line of Valley Meadows Section III; thence west along the north line of Valley Meadows Section III to the east right-of-way of Maysville Road; thence northeasterly along the east right-of-way line of the Maysville to the south right-of-way line of Hicksville Road (East State Street); thence west along the south right-of-way line of Hicksville Road to a projection of the west right-of-way line of the Lahmeyer Road; thence north along said west right-of-way line of Lahmeyer Road to the south right-of-way line of Trier Road; thence west along south right-of-way line of Trier Road to centerline of Section 33, T 31 N, R 13 E, thence south on said centerline Section 33 to intersection of north right-of-way line of Hicksville Road the point of beginning. An area of approximately 800 acres.

Excluding therefrom:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast quarter of said Section 33 said point being in the centerline of State Street; thence north 01 degrees 00 minutes 44 seconds east (assumed) along the west line of said Northeast Quarter a distance of 1,398.00 feet; thence northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of north 47 degrees 35 minutes 56 seconds east; thence south 20 degrees 19 minutes 06 seconds east on a line not tangent to the last described curve course a distance of 179.86 feet; thence south 55 degrees 30 minutes 34 seconds east a distance of 151.25 feet; thence south 3 degrees 50 minutes 45 seconds east a distance of 34.66 feet; thence south 53 degrees 42 minutes 32 seconds west a distance of 191.95 feet; thence south 3 degrees 02 minutes 41 seconds east a distance of 14.70 feet; thence south 64 degrees 40 minutes 30 seconds east a distance of 284.41 feet; thence north 3 degrees 44 minutes 04 seconds east a distance of 8.14 feet; thence north 60 degrees 34 minutes 35 seconds east a distance of 262.24 feet; thence south 3 degrees 54 minutes 22 seconds east a distance of 15.21 feet; thence south 65 degrees 10 minutes 34 seconds west a distance of 28.25 feet; thence south 26 degrees 11 minutes 16 seconds west a distance of 11.58 feet; thence south 29 degrees 55 minutes 08 seconds west a distance of 338.12 feet; thence south 1 degrees 07 minutes 22 seconds west a distance of 3.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; south 78 degrees 45 minutes 54 seconds west a distance of 120.60 feet; thence southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described curve being subtended by a chord having a length of 295.44 feet and a bearing of south 84 degrees 52 minutes 24 seconds west; thence north 89 degrees 01 minutes 06 seconds west along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres, more or less.

ALSO EXCLUDING THEREFROM:

In the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County Indiana.

Part of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of the northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana; thence south 00 degrees 46 minutes 00 seconds west along the East line of the Northeast quarter of said Section 33 a distance of 1,229.0 feet to the point of beginning; thence continuing south 00 degrees 46 minutes 00 seconds west along said east line a distance of 378.0 feet to the northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 7 degrees 57 minutes 47 seconds west (south 88 degrees 02 minutes West deed) along the Northerly line of the White Parcel a distance of 336.0 feet; thence south 00 degrees 46 minutes 00 seconds West along the West line of the White Parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a Subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21 page 27 Office of the Recorder of Allen County, Indiana; thence south 87 degrees 57 minutes 47 seconds West along said northerly line and the westerly extension thereof a distance of 937.30 feet to a point on the east line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet east (by right angle measurement) of and parallel with the west line of the east half of the northeast quarter of Section 33 aforementioned; thence continuing south 31 degrees 04 minutes 30 seconds west along said right-of-way line a distance of 94.26 feet; thence south 37 degrees 37 minutes 34 seconds west a distance of 209.59 feet; thence south 80 degrees 03 minutes 41 seconds west a distance of 70.0 feet; thence south 66 degrees 00 minutes 34 seconds west a distance of 1.66 feet; thence south 65 degrees 10 minutes 40 seconds west a distance of 43.75 feet to the easterly most corner of the property conveyed from North Eastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds west along the northeasterly side of said property a distance of 105.21 feet to the southeast corner of Block "B" in the Village of Buckingham Section I as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds east a distance of 385.03 feet; thence south 18 degrees 55 minutes 30 seconds east a distance of 90.00 feet to the east line of said Indiana and Michigan Electric Co. right-of-way; thence north 01

Board of Accounts

Council

(Init)

County, Indiana

To:

The News-Sentinel

P.O. Box 100

Fort Wayne, IN

General Form No. 99P (Revised 1987)

Dr.

PUBLISHER'S CLAIM

to exceed two actual lines, neither of which shall total  
of type in which the body of the advertisement is set)

lines

1

231

2

234

notice

ARGES

columns wide equals 234 equivalent lines

\$ 115.82

ices containing rule or tabular work  
(nt)

publication (\$1.00 for each proof in excess of two)

2.00

LAIM

\$ 117.83

OST

2.5 ems

s and penalties of Chapter 155, Acts 1953,

foregoing account is just and correct, that the amount  
ter allowing all just credits, and that no part of the

Nicole A. Reed

...ent to the last described curve course a distance of 79.86 feet; thence south 55 degrees 30 minutes 34 seconds east a distance of 151.26 feet; thence south 50 degrees 50 minutes 45 seconds east a distance of 1.66 feet; thence south 53 degrees 42 minutes 32 seconds west a distance of 191.95 feet; thence south 50 degrees 02 minutes 41 seconds east a distance of 1.70 feet; thence south 64 degrees 40 minutes 30 seconds east a distance of 284.41 feet; thence north 50 degrees 44 minutes 04 seconds east a distance of 1.14 feet; thence north 60 degrees 34 minutes 35 seconds east a distance of 262.24 feet; thence south 54 degrees 54 minutes 22 seconds east a distance of 1.21 feet; thence south 65 degrees 10 minutes 34 seconds west a distance of 28.25 feet; thence south 26 degrees 11 minutes 16 seconds west a distance of 1.58 feet; thence south 29 degrees 55 minutes 08 seconds west a distance of 338.12 feet; thence south 50 degrees 07 minutes 22 seconds west a distance of 99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; south 78 degrees 45 minutes 54 seconds west a distance of 120.60 feet; thence southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described curve being subtended by a chord having a length of 295.44 feet and a bearing south 84 degrees 52 minutes 24 seconds west; thence north 89 degrees 01 minutes 06 seconds west along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres, more or less. ALSO EXCLUDING THEREFROM:

...n the East Half of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County Indiana. Part of the Northeast Quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of the northeast quarter of Section 33, T 31 N, R 13 E, Allen County, Indiana; thence south 00 degrees 46 minutes 00 seconds west along the East line of the Northeast Quarter of said Section 33 a distance of 1,229.0 feet to a point of beginning; thence continuing south 00 degrees 46 minutes 00 seconds west along said east line a distance of 378.0 feet to the northeast corner of a parcel of land conveyed to Gilbert L. White and Elene A. White husband and wife from Arlington Investment Corp., by warranty deed dated April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence South 57 degrees 57 minutes 47 seconds west (south 88 degrees 02 minutes West deed) along the Northerly line of the White Parcel a distance of 336.0 feet; thence South 00 degrees 46 minutes 00 seconds West along the West line of the White Parcel and the Southerly extension thereof a distance of 216.0 feet to a point on the Northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township, and Range and recorded in plat book 21 page 27 in the Office of the Recorder of Allen County, Indiana; thence South 87 degrees 57 minutes 47 seconds West along the said northerly line and the westerly extension thereof a distance of 937.30 feet to a point on the east line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet east by right angle measurement) of and parallel with the east line of the east half of the northeast quarter of section 33 aforementioned; thence continuing south 1 degrees 04 minutes 30 seconds west along said right-of-way line a distance of 94.26 feet; thence south 7 degrees 37 minutes 34 seconds west a distance of 39.59 feet; thence south 80 degrees 03 minutes 41 seconds west a distance of 70.0 feet; thence south 66 degrees 00 minutes 34 seconds west a distance of 1.66 feet; thence south 65 degrees 10 minutes 40 seconds west a distance of 43.75 feet to the easterly east corner of the property conveyed from North Western Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence North 36 degrees 54 minutes 22 seconds west along the westerly side of said property a distance of 15.21 feet to the southeast corner of Block "B" in the Village of Buckingham Section 1 as recorded in document #80 014047 in the Office of the Recorder of Allen County; thence North 52 degrees 37 minutes 36 seconds east a distance of 385.03 feet; thence south 3 degrees 55 minutes 30 seconds east a distance of 30.00 feet to the east line of said Indiana and Michigan Electric Co., right-of-way; thence north 01 degrees 04 minutes 30 seconds east along said east right-of-way line 495 feet to the southwest corner of lot #18 in the Hollows Section 1 as recorded in document #78 17214 in the Office of the Recorder of Allen County; thence south 89 degrees 13 minutes 00 seconds east along the south line of the Hollows a distance of 815.00 feet; thence north 63 degrees 19 minutes 20 seconds east continuing along said south line a distance of 145.00 feet to the southwest corner of lot #5 in the Hollows; thence leaving said south line south 26 degrees 58 minutes 46 seconds east a distance of 75.36 feet; thence south 89 degrees 22 minutes 48 seconds east a distance of 289.48 feet to the point of beginning containing 19.52 acres, more or less, and subject to a 40 foot right-of-way for Maplecrest Road over the easterly portion thereof, said right-of-way being described in right-of-way widening petition contained in Commissioner's Record book 36 page 536.

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.  
David C. Long  
Councilmember  
Read the third time in full and on motion by Long, seconded by Talarico and duly adopted, placed on its passage. PASSED by the following vote:  
AYES: Nine: Bradbury, Burns, Edmonds, Giunta, Henry, Long, Redd, Schmidt, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None  
Dated: 7-11-89

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-02-89, on the 11th day of July, 1989.  
ATTEST: Sandra E. Kennedy  
City Clerk  
SEAL: Charles B. Redd  
Presiding Officer  
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of July, 1989, at the hour of 1:30 P.M., E.S.T.

Approved and signed by me this 12th day of July, 1989, at the hour of 3:30 P.M., E.S.T.  
Sandra E. Kennedy  
City Clerk  
Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-02-89, passed by the Common Council on the 11th day of July, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of July, 1989, and now remains on file and on record in my office.  
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of July, 1989.  
Sandra E. Kennedy, City Clerk  
7--20-27

(init)  
County, Indiana  
P.O. Box 100  
Fort Wayne, IN

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Nicole Allred

1989

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time ( s ), the dates of publication being as follows:

7/20, 27/89

Nicole Allred

Subscribed and sworn to before me this 27th day of July, 1989

Shelley B. Larue

Notary Public Whitley County, I  
SHELLEY R. LARUE

My commission expires: March 3, 1990